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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,424	07/16/2003	Rudiger Kurtz	P23754	7328

7055 7590 07/05/2005

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RESTON, VA 20191

EXAMINER

LAMB, BRENDA A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/619,424

Applicant(s)

KURTZ ET AL.

Examiner

Brenda A. Lamb

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/13/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-15 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by WO 01/98585.

WO '585 as shown in figure 2 teaches a device for impregnating a web with an impregnating agent comprising the following elements: a coating device structured and arranged to apply the impregnating agent to the web; and a wide nip calendar located, with respect to a web travel direction, before the coating device, the wide nip calendar comprising a circulating jacket and a back pressure element, a belt passing over a stationary shoe, arranged to form a wide nip calendar (see page 7 lines 11-18). WO '585 teaches at page 8 line 32 to page 8 line 5 the fibers are permanently deformed by precalendering and therefore the web compression as a result of the taught permanent deformation of the fibers is inherently still present when the web enters the coating device. With respect to claim 2, WO '585 apparatus is capable of applying an impregnating agent which is comprised of a starch solution or other coating agents commonly used in paper upgrading since WO 585 teaches every structural element of the claimed apparatus. With respect to claim 3, WO 585 apparatus is capable of applying an impregnating agent which is comprised of a starch size WO '585 teaches

every structural element to the claimed apparatus. With respect to claim 4, WO '585 apparatus is capable of applying an impregnating agent to a web which is comprised of one of a paper or cardboard web since WO '585 teaches every structural element of the claimed apparatus. With respect to claim 5, WO '585 apparatus is capable of applying an impregnating agent to a web wherein the web has a basis weight over 40g/m since WO '585 teaches every structural element of the claimed apparatus. With respect to claim 6-7, WO '585 is silent as to web processing devices provided between the wide nip calender and the coating device thereby reading on the negatively claimed limitation that no web processing devices are provided between the wide nip calender and the coating device. Further, WO '585 shows in Figure 1 at least one guide device is arranged between the wide nip and the coating device. With respect to claim 8-10, WO '585 teaches the wide nip calender is comprised of a heating device, roll 1, which is a back pressure element having a surface structured and arranged to guide the web through the wide nip, and the surface having a temperature adjustable to within the scope of the claim. With respect to claim 11, WO '585 teaches the coater is a film press. With respect to claim 14, WO '585 teaches the wide nip calender is adjustably heated to at least the plasticizing temperature of the fibers of the web (see page 8 lines 1-7 of WO '585). With respect to claims 12 and 15, WO '585 teaches at page 9 lines 7-8 a drying area which broadly reads on area whereby the web is dried which is arranged after the coating device and a reeling device wherein the drying area and a reeling device are each arranged downstream of the coating device. Further, WO '585 fails to teach a glazing device arranged between the coating device and the reeling device

thereby reading on the negative limitation of no glazing device arranged between the coating device and the reeling device. With respect to claim 13, WO '585 wide nip calender is capable of being heated to a temperature higher than the drying area or area whereby the web is dried since WO '585 teaches the wide nip calender includes a heating means for heating the wide nip calender. With respect to claim 33, as discussed above, WO '585, as shown in figure 2, teaches a device for impregnating the web with an impregnating agent comprising the following elements: a coating device structured and arranged to apply the impregnating agent to the web; and a wide nip calendar located, with respect to a web travel direction, before the coating device, the wide nip calendar comprising a circulating jacket and a back pressure element, a belt passing over a stationary shoe, arranged to form a wide nip calendar (see page 7 lines 11-18). Further, WO '585 coater reads on a film press since WO '585 teaches a film or layer of coating is applied onto the web as the web travels through a nip N' of the rollers.

Applicant's arguments filed 2/28/2003 have been fully considered but they are not persuasive.

Applicant's argument that WO '585 fails to disclose the distance between the precalendar and water is such that web compression is still present when the web enters the coating device is found to be non-persuasive. WO '585 teaches the fibers are permanently deformed by precalendaring and therefore the web compression which occur as a result of the permanent fiber deformation is such that the web is still compressed as it travels through the nip of the coater means thereby reading or the

claimed limitation distance between the precalender and coater is such that web compression is still present.

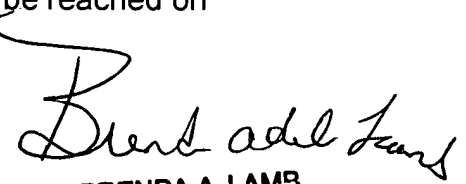
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to Brenda A Lamb at telephone number (571)-272-1231. The examiner can normally be reached on Monday and Wednesday thru Friday with alternate Tuesdays off.

Brenda A. Lamb/af

June 16, 2005


BRENDA A. LAMB
PRIMARY EXAMINER